

DIVISION 8. HOME BASED BUSINESS OFFICE

Sec. 142-1411. Home based business office.

(a) Notwithstanding any provision to the contrary herein contained, offices for certain businesses, professions or occupations may be maintained within residentially zoned areas as provided herein. Any person engaged in a business, profession or occupation who chooses to conduct said business, profession or occupation from his or her personal, permanent, primary residence shall, prior to conducting such business, profession or occupation, apply for and receive an occupational license for a home based business office. Said applicant shall list his or her home address as a place of business and must, at all times, comply with the following criteria:

- (1) Home based business office activities shall be accessory and clearly incidental to the primary single family residence or apartment unit.
 - (2) Home based business office activities shall occur entirely within the single family residence or apartment unit.
 - (3) Employees, in addition to the person engaged in the business, profession or occupation of the home based business office as provided above, shall reside at the subject single family residence or apartment unit as a permanent resident; for purposes of this section, a "permanent resident" shall mean a person residing in a single family residence or apartment unit for no less than six months per calendar year.
 - (4) No goods or services shall be dispensed, sold, distributed or provided directly from the single family residence or apartment unit, except for those transmitted by telephone, computer modem, facsimile or other similar electronic means, with the exception of one business pickup by courier per day in addition to regular U.S. Postal Service. Bulk mailing shall not be allowed.
 - (5) The aggregate of deliveries of any kind required by, received by, or made in connection with a home based business office at a single family residence or apartment unit shall not exceed one business delivery by courier per day in addition to regular U.S. Postal Service.
 - (6) No inventory or storage of materials, goods, products or supplies shall be permitted at the single family residence or apartment unit, except those minor supplies necessary for the operation of the home based business office.
 - (7) No materials, goods, products or supplies shall be displayed for sale or kept as samples at the subject single family residence or apartment unit, except those which can be readily transported in a hand carried sample case.
 - (8) No customer, client, business associate, sales person, assistant or other nonresident shall be permitted to visit the home based business office for purposes of transacting business.
 - (9) The exterior of the single family residence or apartment unit shall not be altered in any manner to attract attention to the home based business office or the residence as a place of business.
 - (10) No signs indicating the presence of the home based business office shall be located on or about the single family residence or apartment unit.
 - (11) No noise, odor, smoke, hazard or other nuisance of any type shall arise from the conduct of the home based business office.
 - (12) The operation of a home based business office shall not cause any increase in parking at the single family residence or apartment unit or vehicular traffic to and from the single family residence or apartment unit.
 - (13) No vehicle with the name of a home based business office business shall be parked or stored on the site, except in a closed garage.
 - (14) The conduct of a home based business office shall not result in an increase in demand on city services as compared to the average typical residence of the same size.
 - (15) Home based business office activities may be advertised or publicized provided that the address of the single family residence or apartment unit shall not be referenced, and further provided that any advertisement or publication shall not in any manner invite, attract or draw persons to the single family residence or apartment unit in which the home based business office is located.
- (b) A home based business office which does not satisfy all of the above standards at all times during operation shall be prohibited and no license shall be issued to an applicant whose business operation would violate said standards.
- (c) All home based business offices shall be required to obtain and maintain an occupational license from the city, at an annual fee of \$25.00.
- (d) The city, upon probable cause to believe that there is a violation of one or more of the provisions of this section, may seek permission from the code compliance special master to inspect a property in order

to assist in making a finding as to whether or not there is a violation; the city shall not inspect a property without the aforescribed permission.

(e) A home based business office shall have no parking requirement in addition to the requirement for the single family residence or apartment unit.

(f) Nothing contained herein shall be deemed to authorize, legalize, or otherwise permit a home based business office that is otherwise prohibited by a legally enforceable restrictive covenant, association document or other instrument or restriction on such use.

(Ord. No. 98-3109, § 3(6-22I.), 5-20-98)